

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDIN A. CHACON,

No. C 05-4880 SI (pr)

Plaintiff,

**ORDER DISMISSING DEFENDANTS
GRAHAM AND PEARCY**

v.

D. GALLIAN, sergeant; et al.,

Defendants

Pursuant to the oral stipulation of the parties during the bench trial of this action, defendants Lisa Graham and Evelyn Pearcy are dismissed from this action.

The court notes with dismay that these defendants remained in the action so long. Had the case been promptly investigated by defense counsel, she could have learned that neither of these defendants was at work at Pelican Bay at the times alleged by plaintiff and could have moved for summary judgment or sought a stipulated dismissal as long as two years ago.

IT IS SO ORDERED.

Dated: December 22, 2008



SUSAN ILLSTON
United States District Judge